

**REGULATION I - GENERAL PROVISIONS**

**NEW RULE 140**

**EXCESS EMISSIONS**

**INDEX**

**SECTION 100 - GENERAL**

**101 PURPOSE**

**SECTION 200 - DEFINITIONS (NOT APPLICABLE)**

SEE RULE 100 (GENERAL PROVISIONS AND DEFINITIONS) OF THESE RULES FOR DEFINITIONS OF TERMS THAT ARE USED BUT NOT SPECIFICALLY DEFINED IN THIS RULE

**SECTION 300 – STANDARDS (NOT APPLICABLE)**

**SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

**SECTION 500 - MONITORING AND RECORDS**

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION II - PERMITS AND FEES  
NEW RULE 140  
EXCESS EMISSIONS**

**SECTION 100 - GENERAL**

**101 PURPOSE:** To establish criteria and administrative requirements for excess emissions.

**SECTION 200 - DEFINITIONS (NOT APPLICABLE)**

See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

**SECTION 300 – STANDARDS (NOT APPLICABLE)**

**SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

- 401** Emissions in excess of an applicable emission limitation contained in these rules or in the terms of a permit shall constitute a violation. For all situations that constitute an emergency, the requirements in Rule 130 (Emergency Provisions) of these rules shall apply. In all other circumstances, it shall be an affirmative defense, if the owner and/or operator of the source has complied with the reporting requirements of Section 500 of this rule in a timely manner and has demonstrated all of the following:
- 401.1** The excess emissions resulted from a sudden and unavoidable breakdown of the process equipment or the air pollution control equipment, resulted from unavoidable conditions during startup or shutdown, resulted from unavoidable conditions during an upset of operations, or greater or more extended excess emissions would result unless scheduled maintenance is performed;
  - 401.2** The source's air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
  - 401.3** Where repairs were required, such repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded and off-shift labor and overtime were utilized where practical to ensure that such repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, the owner and/or operator satisfactorily demonstrated that such measures were impractical;
  - 401.4** The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
  - 401.5** All reasonable steps were taken to minimize the impact of the excess emissions on potential violations of ambient air quality standards;
  - 401.6** The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and
  - 401.7** During the period of excess emissions, there were no measured violations of the ambient air quality standards established in Rule 510 of these rules that could be attributed to the emitting source.
- 402** It shall be the burden of the owner and/or operator of the source to demonstrate, through submission of the data and information required by this rule, that all reasonable and practical measures within the owner and/or operator's control were implemented to prevent the occurrence of excess emissions.

## **SECTION 500 - MONITORING AND RECORDS**

- 501** The owner and/or operator of any source shall report to the Control Officer any emissions in excess of the limits established by these rules or by the applicable permit. Such report shall be in two parts as specified below:
- 501.1** Notification by telephone or facsimile within 24 hours of the time when the owner and/or operator first learned of the occurrence of excess emissions including all available information from Section 502 of this rule.
  - 501.2** Excess emissions report containing the information described in Section 502 of this rule, within 72 hours of the notification required by subsection 501.1 of this rule.
- 502** The excess emissions report shall contain the following information:
- 502.1** The identity of each stack or other emission point where the excess emissions occurred.
  - 502.2** The magnitude of the excess emissions expressed in the units of the applicable emissions limitation and the operating data and calculations used in determining the magnitude of the excess emissions.
  - 502.3** The time and duration or expected duration of the excess emissions.
  - 502.4** The identity of the equipment from which the excess emissions emanated.
  - 502.5** The nature and cause of such emissions.
  - 502.6** The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction.
  - 502.7** The steps that were or are being taken to limit the excess emissions. If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, the report shall contain a list of steps taken to comply with the permit procedures.
- 503** In the case of the continuous or recurring excess emissions, the notification requirements of this rule shall be satisfied, if the source provides the required notification after excess emissions are first detected and includes in such notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification that meets the criteria of Section 501 and Section 502 of this rule.
- 504** Information required to be submitted by this rule shall be summarized and reported to the Control Officer, in accordance with provisions contained in the applicable permit issued under the requirements of these rules.